

TOWN OF PHILLIPSBURG
COUNCIL MEETING MINUTES

August 15, 2023 — 7:00 P.M.

1. **CALL TO ORDER 7:00 pm** **By CP Wyant**
2. **OPEN PUBLIC MEETING ACT STATEMENT** **Read by CVP Clark**
3. **PLEDGE OF ALLEGIANCE** **All**
4. **INVOCATION** **Led by Councilman Piazza**
5. **ROLL CALL – Present - Wyant, Clark, Piazza, Marino, Kennedy**
-Also in attendance: Mayor Tersigni, Business Administrator Hall, Attorney Wenner, Deputy Clerk Turner.
6. **APPROVAL OF MINUTES – August 1, 2023 Public Session Minutes**

ROLL CALL

Motion Carries 5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza			X			
Councilman Marino	X		X			
Councilman Kennedy		X	X			
Council VP Clark			X			
Council President Wyant			X			

7. **BILLS LIST – Councilman Marino abstained from item #90523**

ROLL CALL

Motion Carries 5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza	X		X			
Councilman Marino			X			
Councilman Kennedy			X			
Council VP Clark		X	X			
Council President Wyant			X			

8. **ANNOUNCEMENTS/PRESENTATIONS – No Announcements**

9. **MAYOR’S REPORT/ADMINISTRATIVE OFFICERS**
MAYOR'S REPORT

The work on the Elks building has been cleared to proceed after a meeting with the historical commission led by the Honorable Judge John Kingfield. I look forward to the completion of this much needed project which will bring market rate rentals to our downtown. The site work at Popeye’s and Arby’s is complete and they are clear to submit for building permits. This project combined with the planned Quick Check across Route 22 as well as the revitalization of the former Norton complex, which

is on the agenda tonight, will completely transform an important gateway to our town. Line striping will begin Thursday and Friday with striping parking spaces along South Main Street, weather permitting.

As many of you know, the beloved Flynn’s has changed ownership and I will be issuing a proclamation at a later date commemorating their contribution to the fabric of our town. Also, there will be a 9/11 ceremony in Shappell Park on Monday, September 11th at 11:00 a.m. where we will remember those lost on that terrible day 22 years ago.

Finally, I would like to address some comments that have repeatedly been made regarding the Cal Ripken Field, specifically in relation to the funding generously provided by Bridge Point 78 development. The redevelopers agreement called for the developer to pay a recreation contribution in the amount of \$300,000.00 upon the issuance of a certificate of occupancy for Phase I of the project. This money was to be used to construct a recreation facility within the town. The recreation contribution is not a part of the PILOT agreement. By amending the redevelopers agreement, the developer is agreeing to provide that recreation contribution in the amount of \$300,000.00 toward the Cal Ripken Field which is consistent with the original spirit of the agreement.

Respectfully Submitted, Todd M. Tersigni Mayor of Phillipsburg

10. HABITABILITY HEARING – Director of Municipal Services Pat Kays is not yet in attendance. The hearing will be held after his arrival. Councilman Piazza would like 234 Filmore Street reviewed for a possible hearing. Mayor Tersigni stated that building is in the process of demolition. Mayor Tersigni left the meeting.

11. PUBLIC DISCUSSION ON AGENDA ITEMS

Joe Meyner, 392 South Main Street, Phillipsburg – Mr. Meyner is concerned that granting a variance to allow additional parking at the Elk’s building will cause more requests and variances to follow. CP Wyant asked Mr. Meyner to address this during the Public Petitions portion of the meeting as it is not an agenda item.

Public Discussion Session closed.

12. ORDINANCES FOR 2ND READING –

O2023-12 - BOND ORDINANCE PROVIDING FOR VARIOUS 2023 SEWER UTILITY CAPITAL IMPROVEMENTS IN AND BY THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$4,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,000,000 BONDS OR NOTES TO FINANCE THE COST THEREOF

Public Discussion – Dan Sayer, 22 N. Main Street, Phillipsburg – Mr. Sayer asked how much of the bond for the sewer improvements would pay for police officers handling traffic control or sitting in their squad cars. He stated a flag girl provided by the construction company would cost much less. Business Administrator Hall stated that, as per NJ State regulations, traffic control must be done by police officers.

Council Discussion - None

ROLL CALL

Motion Carries 5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza	X		X			
Councilman Marino			X			
Councilman Kennedy		X	X			

Council VP Clark			X			
Council President Wyant			X			

12. ORDINANCES FOR 1ST READING –

O2023-13 AN ORDINANCE FIXING OR AMENDING CERTAIN SALARY RANGES FOR THE TOWN OF PHILLIPSBURG

ROLL CALL

Motion Carries

5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza	X		X			
Councilman Marino			X			
Councilman Kennedy		X	X			
Council VP Clark			X			
Council President Wyant			X			

13. RESOLUTIONS ** CONSENT AGENDA **

Matters listed on the Consent Agenda Resolutions are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item to be removed for consideration

R 2023-151 DESIGNATING HANDICAP PARKING SPACES WITHIN THE TOWN OF PHILLIPSBURG

R2023-152 TO ISSUE A REFUND FOR A SEWER OVERPAYMENT

R2023-153 AN EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF PHILLIPSBURG AND KRISTI ANTHES

R2023-154 A RESOLUTION PROVIDING FOR THE INSERTION OF SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S. 40A:4-87 (CHAPTER 159, P.L. 1948)

R2023-155 A RESOLUTION PROVIDING FOR THE INSERTION OF SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S. 40A:4-87 (CHAPTER 159, P.L. 1948)

R2023-156 RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH WINDELS MARX LANE & MITTENDORF, LLP PURSUANT TO N.J.S.A. 40A:11-5(1)(a)(i)

R2023-157 RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH REMINGTON & VERNICK ENGINEERS, INC. PURSUANT TO N.J.S.A. 40A:11-5(1)(a)(i)

R2023-158 RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH RT ENVIRONMENTAL SERVICES, INC. PURSUANT TO N.J.S.A. 40A:11-5(1)(a)(i)

R2023-160 RESOLUTION AUTHORIZING PAYOUT OF ACCRUED SICK, VACATION AND COMPENSATORY LEAVE TO LAURI KAULIUS

R2023-161 RESOLUTION AUTHORIZING THE TOWN OF PHILLIPSBURG TO ENTER INTO A COOPERATIVE PRICING AGREEMENT

R2023-162 RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT FOR THE PURPOSES OF COOPERATIVE PURCHASING PURSUANT TO N.J. S. A 40A:11-11(5)

ROLL CALL

Motion Carries

5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza			X			
Councilman Marino			X			
Councilman Kennedy	X		X			
Council VP Clark		X	X			
Council President Wyant			X			

R2023-159 Pulled from the Consent Agenda by Councilman Piazza

R2023-159 RESOLUTION DESIGNATING THE PROPERTY KNOWN AS BLOCK 1005 LOT 3 AS AN “AREA IN NEED OF REDEVELOPMENT” UNDER THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW N.J.S.A. 40A:12A-1

Councilman Piazza asked Attorney Wenner to explain what this Resolution allows the town to do and the process. Attorney Wenner stated the process starts with Council directing the Planning Board to conduct an investigation to determine if the property is an area in need of redevelopment. Engineer Tim O’Brien issued a report that it meets the criteria and recommended it be designated as an area in need of redevelopment. The next step is that it goes to the Council, where it is tonight, and by resolution be declared as an area in need of redevelopment. If passed, the resolution goes to the state that has 30 days to grant or deny approval. If approved, the Town Council can authorize specialized zoning, extend a PILOT agreement to the developer. If the town owns the property, an area in need of redevelopment can be sold to the developer in a private sale versus public auction.

ROLL CALL

Motion Carries

5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza	X		X			
Councilman Marino		X	X			
Councilman Kennedy			X			
Council VP Clark			X			
Council President Wyant			X			

14. OLD BUSINESS –

McDonald’s Sidewalk waiver – CP Wyant stated this has been moved to the September 5, 2023 meeting. Attorney Wenner stated the attorney on this matter submitted a written report on August 11,

2023 containing new arguments regarding what they are obligated to do. A meeting has been scheduled for August 17, 2023 to review the report so the Town Council can be better advised.

15. HABITABILITY HEARING – 475 South Main Street – Attorney Wenner stated this is a continuation of the hearing held July 20, 2023 and reminded Patrick Kays, Director of Municipal Services, and the property owner Mohamed Ghamin they were still under oath. Mr. Kays stated an inspection conducted on August 7 passed, outside cosmetic issues have not been addressed and truss and roof permits were submitted Friday. CP Wyant stated things are moving forward and he continues to see improvement on the building. He recommended a continuation of the hearing in 60 days at the October 17, 2023 meeting. All council members agreed with the recommendation.

Habitability Hearing 77-79 Glenn Avenue – Attorney Wenner noted this property was not scheduled for a hearing today, but the owner is present and requested one. Mr. Wenner reminded them they are still under oath. Pat Kays stated the permits are not finalized as architect revisions are still pending but the building has been cleared out and the plans are good. The outside issues have been addressed, the building has been secured, dormer has been replaced and roof work is underway. The electrical and plumbing work is expected to start in 2 to 4 weeks. CP Wyant stated he has seen tremendous improvement on the property. Mr. Kays stated the owner is clearly moving forward and he does not see a need for the continuation of habitability hearings.

Motion to discharge the complaint against 77-79 Glenn Avenue.

ROLL CALL

Motion Carries

5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza	X		X			
Councilman Marino			X			
Councilman Kennedy			X			
Council VP Clark		X	X			
Council President Wyant			X			

16. NEW BUSINESS – Councilman Marino asked Administrator Hall to give a message to the Mayor that Council should not hear about a building, 234 Filmore, being torn down the way they did. Councilman Marino asked if there has been an increase in inspections of rental properties. State law dictates that an inspection must be done when a renter leaves their premises. Mr. Kays had already left the meeting. Mr. Hall will get the information.

Councilman Piazza stated residents have asked to have the stop sign /intersection at Forest Lane and North Riverview reviewed. Administrator Hall will have an engineer review the area .

Councilman Piazza stated several members of the Senior Center requested a special senior rate at the pool and/or a senior hour at the pool for Senior Center members. He also suggested the Recreation Supervisor consider hiring and training seniors as lifeguards next year.

17. MOTIONS –

- Grace Lutheran Church – Yard Sale Permit waiver for Fall Festival/Yard Sale on Saturday, October 14, 2023

ROLL CALL

Motion Carries

5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza			X			

Councilman Marino	X		X			
Councilman Kennedy			X			
Council VP Clark		X	X			
Council President Wyant			X			

--Intraverse Limited Brewery Off-premises Event – Railroad Festival

ROLL CALL

Motion Carries

5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza			X			
Councilman Marino	X		X			
Councilman Kennedy			X			
Council VP Clark		X	X			
Council President Wyant			X			

18. PUBLIC PETITIONS

Joe Meyner, 392 South Main Street, Phillipsburg – 2 years ago the redevelopment committee reviewed variances to the Elk’s Building. 6 parking spaces were considered to be taken from an adjacent property. The Mayor’s report indicated it is moving ahead. It should have been brought back to the Council for consideration. Attorney Wenner stated that after the Planning Board approved the variance it does not have to come back to the Council.

Ann Davis, 322 Lewis Street, Phillipsburg – Ms. Davis asked why no special event permits are submitted for the Thomas the Tank train events. No revenue was generated for the town. CP Wyant stated the special event permits do not originate with council. They approve or deny what is submitted. Ms. Davis stated that at the Open Space meeting in which the Cal Ripken field proposal was discussed, they were told it would not cost the town one penny and that funds were coming from sponsors and donors. She believes the \$300,000 should be going to existing parks for ADA improvements. No reappointments have been made to the Recreation committee. CP Wyant stated the Council does not make the appointments, they only approve or deny them. Ms. Davis stated that last year she worked in a managerial capacity for the Open Air Market, after being told she would paid, but she has never paid. Mr. Hall stated he will investigate this.

David Morrisette, 5 Fairview Heights, Phillipsburg – Mr. Morrisette handed out information to Council members and reviewed his summary of them. He believes Council VP Clark and Councilman Kennedy had conflict of interest because they are members of the Dream Team, a proxy for the Cal Ripken Association and members should not have voted on money going to the organization. He stated this was not a real committee because it was not created by Council and requested that council rescind Resolution 2023-146. CP Wyant asked Attorney Wenner to respond. Mr. Wenner stated that Council members are not in conflict as it was an informal committee designed to bring a project to the town and facilitate bringing it to council. There is no financial gain to any Council members or their immediate families, nor do they benefit in any way through their vote.

Public Petitions closed.

19. REPORT – Recreation Supervisor – Matt Noel, Recreation Supervisor, reported that the pool was originally scheduled to close August 20th due to staff departing for school. But they were able to

coordinate schedules and remain open until August 27th. Due to lack of staffing it is impossible to remain open through Labor Day. The pool had a tremendous season, bringing in more revenue than ever before. Adults and children were all respectful, there were no fights or vandalism. He plans to revisit pricing in general and is looking at morning swim times, water aerobics classes and swim team schedules for next year.

Regarding the Walter's Park project, pickle ball is set to start in September. They are getting fields ready for football and cheerleading. Fall baseball and softball will be played at Delaware Heights and Bentley. DPW has done a great job getting the fields prepared. A 60+ baseball team will play Sundays at Delaware Heights.

Just after he started as Recreation Supervisor, he was told about the situation with the Open Air Market. He feels she needs to be compensated for her time and efforts.

Mr. Noel stated he was not aware that no Special Permit application had been submitted for Thomas the Tank. He will look into it and find out why they may not have had to submit one and if they must submit one in the future.

The Recreation committee met informally but he is not familiar with the process of appointing members. Once he learns the process he will also set up the Open Space committee.

CP Wyant stated Mr. Noel is doing a great job, the pool is a tremendous asset and he has heard lots of positive comments about it.

19. COUNCIL OPEN TIME

Councilman Piazza – He is concerned about the Cal Ripken, Jr. facility getting stalled or going over budget. He wants to make sure the \$300,000 is spent efficiently and responsibly. In the past money was wasted and projects were mismanaged. He read an email from 2021 regarding the delay of the pool completion which cited these issues. He feels the Cal Ripken, Jr. field is a good project, but the funds should be coming from the town.

Councilman Marino – He is concerned that neither the Open Space nor Recreation Committees were involved in the final decision of the \$300,000 going to the Cal Ripken, Jr. field. There are playgrounds and facilities throughout the town that need the funds. He is concerned about who will be responsible for the field after it is completed.

Councilman Kennedy – stated he had visited a Cal Ripken facility and it was beautiful. These facilities are not just handed out and the town should take advantage of the opportunity. Playgrounds, bathrooms, and other areas can still be addressed. He believes the Cal Ripken Association has a plan for the upkeep of the field. We can invite their representative in to explain that. The Open Air Market is doing very well with over 400 attending this past Sunday. There is a new vendor Jersey Girl Pickles. They held a Touch-a-Truck program in which the Fire, EMS and Police Departments participated. In closing, Councilman Kennedy wished Ray Papp (audience) a happy 44th birthday.

Council Vice President Clark – stated he and Mayor Tersigni represented Phillipsburg at the funeral services of Lt. Governor Sheil Oliver. The Open Air Market is doing very well, growing in popularity and getting support from Easton. He thanked all who participated in it. The annual Police Support Walk will be held Saturday. He thanked Matt Noel for all he has done and is looking forward to what will be done in the future. He supports the Cal Ripken, Jr. field. It is a nationally acclaimed association that our town needs. He said children are very excited about it. The funds are part of the PILOT, separate from taxes.

Council President Wyant – The Open Air Market has wonderful produce and baked goods and he sees improvement every week with more people attending and different events to enjoy.

20. EXECUTIVE SESSION IF REQUIRED – No Executive Session

21. ADJOURNMENT – 8:05 PM

Council VP Clark moved to adjourn. Seconded by Councilman Kennedy.

Ayes: 5

Nays: 0

Absent: 0

Motion passed.